UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,269	06/30/2000	Donald Kadyk	13768.109.1	2137

47973 7590 09/02/2005		

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EXAMINER
LY, ANH VU H

ART UNIT	PAPER NUMBER
2667	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

10/03)

	Application No.	Applicant(s)
Office Action Summary	09/609,269	KADYK, DONALD
	Examiner	Art Unit	
	Anh-Vu H. Ly	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 July 2005</u>.

2a)☐ This action is **FINAL**.　　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
　　closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1, 3-4, 6-8, 11-14, 16-21, 23-24, 26-27, 30-36, 38-39, 41-46, and 48-49* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,6-8,11-14,16-21,23,24,26,27,30-36,38,39,41-46,48 and 49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on July 07, 2005 has been entered.

Claim Objections

2.   Claims 1, 4, 13, and 33 are objected to because of the following informalities:

With respect to claim 1, in lines 4-6, currently read as "a second data format compatible

with a remote wireless **device** prior to transmitting the data to the remote wireless **system** so that

the remote wireless **device**" is unclear. There are a remote wireless device and a remote wireless

system. Examiner believes that there is only a single receiving entity. Therefore, the terms as

recited in the claims should be consistent. Further, in line 21, "sequence of data conversion

modules" should be changed to - -sequence of format conversion modules- -. Since in lines 16

and 23, "sequence of format conversion modules" is recited.

With respect to claim 4, in lines 1-2, "wherein the act of identifying" lacks antecedent

basis.

With respect to claim 13, in line 6, "wirelss" is mistyped; in lines 6-7, a wireless system

and a wireless device are inconsistent; and in line 23, "sequence of data conversion modules"

should be changed to - -sequence of format conversion modules- -. Since in lines 18 and 25,

"sequence of format conversion modules" is recited.

With respect to claim 33, in line 1, "for use a gateway" should be changed to - -for use in a gateway- -.

Examiner had already addressed the issues in the Office Action dated May 23, 2005. However, currently amended claims still contain similar ambiguities. Applicant is requested to review and clarify other pending claims for similar issues.

Oath/Declaration

3.   The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

> The oath or declaration is defective because: it does not include signatures of Neil Fishman and Marc Seinfeld.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 3-4, 6-8, 11-14, 16-21, 23-24, 26-27, 30-36, 38-39, 41-46, and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowker, D. O. et al (EP 0872990 A1) in view of Bouis et al (US Patent No. 6,741,608 B1) and further in view of Onuma (US Patent No. 6,493,105 B1). Hereinafter, referred to as Bowker, Bouis, and Onuma.

With respect to claim 1, 4, 11-13, 17-19, 44, and 46, Bowker discloses in Fig. 1, a

functional block diagram representing a Broker Application Server (BAS) (herein, the BAS is

considered as a gateway by the examiner) for facilitating communications between one or more

senders and one or more receivers over a digital packet network. Bowker discloses in Fig. 3, that

the BAS receives data packets from the sender according to a first format 302 (receiving a

message that includes data in a first data format from an originating computing system). Bowker

discloses (page 5, lines 5-10) that if the data is not in the preferred format of receiver 14, control

is transferred to a first transcoder 116 and the data is transcoded into a common or generic

format (intermediate data format) (converting the data from the first data format into an

intermediate data format using first format conversion module in the sequence of data conversion

modules). The data now in a common format is then further transcoded in a second transcoder

118 in to the preferred format of the receiver 14 (converting the data from the intermediate data

format into the second data format using at least one second format conversion module in the

sequence of format conversion modules). Herein, the common and the preferred format of the

receiver are identified as a sequence of format conversion modules by the examiner for

converting the received data from the sender to the preferred format of the receiver as a function

of the extracted destination address (identifying is based on the address to the remote computer

system). Bowker discloses in Figs. 1, 2, and 5, that the conversion takes place before sending the

data to the receivers (prior to transmitting the data to the remote computer system so that the

remote computer system does not have to convert the data into the second data format). Bowker

discloses in Fig. 3, that after converting the data packets to the preferred data format of the

receiver, the data packets are forwarded to the receiver 324 (upon converting the data to the

second data format, transmitting the data to the remote computer system).

Bowker does not disclose using at least one second format conversion modules in the

sequence of data conversion modules, for converting the data from intermediate data format into

the second data format, wherein each of the second format conversion modules converting the

data into different formats.

Bouis discloses in Fig. 6A, a method of transcoding streaming data using a sequence of

conversion modules B, C, and A. Herein, conversion module B converts the input data into the

internal data format (intermediate data format), conversion module C converts the internal data

format into another data format, and then conversion module A converts another data format into

the preferred format (second data format) (using at least one conversion modules in the sequence

of data conversion modules for converting the intermediate data format into second data format).

Herein, each conversion module converts one format into a specific output format.

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to include at least two conversion modules for converting the intermediate

data format into the preferred data format in Bowker's system, as suggested by Bouis, to

accommodate format diversity.

Bowker does not disclose that the message is intended for a remote wireless system that

has an associated telephone number; examining the message and identifying the telephone

number of the remote wireless system, which is included as part of the message; determining,

based in part on the telephone number, that the wireless system only recognizes data in one or

more formats that are different than the first data format; and identifying a format conversion

module based on the telephone number associated with the remote wireless system.

Onuma discloses (col. 3, line 57 – col. 4, line 17) that the number recognition section 31

recognizes the telephone number received fro the telephone circuit L1 and decides, on the basis

of the recognized telephone number, whether the facsimile data continued to the telephone

number is taken in or is passed to the telephone circuit L2. The decision is carried out with

reference to a comparison table of telephone numbers. Then the format conversion section 33

converts the facsimile data to a TIFF file. Next, the obtained TIFF file is attached to the email in

compliance with MIME.

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to include format conversion for wireless devices based on telephone

number in Bowker's system, as suggested by Onuma, to facilitate inter-network message

communications among heterogeneous networks.

With respect to claims 3, 16, and 23, Bowker discloses (page 4, lines 53 – 54) that the

data type is extracted from the packet (identifying the first data format by reading a content type

field associated with the data).

With respect to claims 4, 17, and 24, Bowker discloses in Fig. 3, step 304 that address

information stored in the packet is examined (an act of reading a destination address field

associated with the data). Further, in step 310, preferred format of addressed receiver is

determined by looking up information stored in memory 103, Fig. 1 (an act of querying a

database for a data format and determining the resulting data format associated with the remote

computer system that is represented by the destination address within the destination address

field).

With respect to claims 6, 8, 26, 30, and 39, Bowker discloses (page 4, lines 23-30) that

the sender 12 can be an individual computer (herein, the individual computer is considered as a

server by the examiner) (originating computer system comprising a server computer system), a

network node, a PoP of an ISP, or any other device, which transmits digitized packets. The

receiver 14 may suitably be a general-purpose personal computer (herein, the general purpose

personal computer is considered as a server by the examiner) (the remote computer system

comprising a server computer system) or an Internet or web terminal with more limited

functionality.

With respect to claims 7, 27, and 38, Bowker discloses in Fig. 5, a network environment

comprising plurality of senders (originating devices) and receivers (remote devices) and BAS.

Bowker does not disclose remote and originating computer system comprising a wireless device.

However, it is known in the art a plurality of handheld devices such as PDAs, palmtops, pocket

computers have been widely used, in wireless communications network, to display emails, text,

graphics, etc... Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to include a wireless device in the network environment of

Bowker, to accommodate and display information for mobile users.

With respect to claims 14 and 34, Bowker discloses in Fig. 1, the BAS comprising a

memory 103 for storing preferred format of receivers (computer readable medium comprising a

physical storage medium).

With respect to claims 20-21, 24, 31-33, and 35, Bowker discloses in Fig. 1, a functional

block diagram representing a Broker Application Server (BAS) (herein, the BAS is considered as

a gateway by the examiner) for facilitating communications between one or more senders and

one or more receivers over a digital packet network. Bowker discloses in Fig. 3, that the BAS

receives data packets from the sender according to a first format 302 (receiving data in a first

data format from an originating computing system that is addressed to a remote computer

system). Bowker discloses (page 5, lines 5-10) that if the data is not in the preferred format of

receiver 14, control is transferred to a first transcoder 116 and the data is transcoded into a

common or generic format (intermediate data format) (converting the data from the first data

format into an intermediate data format using first format conversion module in the sequence of

data conversion modules). The data now in a common format is then further transcoded in a

second transcoder 118 in to the preferred format of the receiver 14 (an act of converting the data

from the intermediate data format into the second data format using at least second format

conversion module in the sequence of data conversion modules). Herein, the common or generic

format and the preferred format of the receiver are identified as a sequence of format conversion

modules by the examiner for converting the received data from the sender to the preferred format

of the receiver as a function of the extracted destination address. Bowker discloses in Figs. 1, 2,

and 5, that the conversion takes place before sending the data to the receivers (prior to

transmitting the data to the remote computer system so that the remote computer system does not

have to convert the data into the second data format). Bowker discloses in Fig. 3, that after

converting the data packets to the preferred data format of the receiver, the data packets are

forwarded to the receiver 324 (upon converting the data to the second data format, transmitting

the data to the remote computer system).

Bowker does not disclose identifying a plurality of sequences of format conversion

modules and using one of plurality of sequences of format conversion modules and wherein

identifying the different sequences is based upon the address associated with the data and the

remote computer system.

Bouis discloses (col. 6, lines 40-43) that the transcoding controller 410 also determines

the combinations or paths (plurality of sequences) of stream conversion modules that can convert

from the source format into the destination format according to the destination address. Herein,

the each comprises a sequence of conversion modules. It would have been obvious to one

having ordinary skill in the art at the time the invention was made to include the features of

identifying plurality of sequences of format conversion modules and using one of the plurality of

sequences of format conversion modules in Bowker's system, as suggested by Bouis, as a

function of calculated paths load.

Bowker does not disclose that the message is intended for a remote wireless system that

has an associated telephone number; examining the message and identifying the telephone

number of the remote wireless system, which is included as part of the message; determining,

based in part on the telephone number, that the wireless system only recognizes data in one or

more formats that are different than the first data format; and identifying a format conversion

module based on the telephone number associated with the remote wireless system.

Onuma discloses (col. 3, line 57 – col. 4, line 17) that the number recognition section 31

recognizes the telephone number received fro the telephone circuit L1 and decides, on the basis

of the recognized telephone number, whether the facsimile data continued to the telephone

number is taken in or is passed to the telephone circuit L2. The decision is carried out with

reference to a comparison table of telephone numbers. Then the format conversion section 33

converts the facsimile data to a TIFF file. Next, the obtained TIFF file is attached to the email in

compliance with MIME.

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to include format conversion for wireless devices based on telephone

number in Bowker's system, as suggested by Onuma, to facilitate inter-network message

communications among heterogeneous networks.

With respect to claims 36 and 41, Bowker discloses (page 4, lines 23-30) that the sender

12 can be an individual computer (herein, the individual computer is considered as a server

computer system by the examiner), a network node, a PoP of an ISP, or any other device, which

transmits digitized packets. The receiver 14 may suitably be a general-purpose personal

computer (herein, the general purpose personal computer is considered as a server computer

system by the examiner) or an Internet or web terminal with more limited functionality.

With respect to claims 42 and 43, Bowker discloses in Fig. 1, a method and apparatus for converting data formats between one or more senders and one or more receivers over a digital packet network. Bowker does not disclose the act of identifying the sequence is based on an amount of time it will take to convert the data from the first data format into the second data format. Bouis discloses (col. 6, lines 46-48) that the transcoding controller 410 compares the path system loads to determine which path will produce the lease amount of load or cost on the system. Herein, processing load is a function of time to accomplish a certain task. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the comparisons in Bowker's apparatus, as suggested by Bouis, to optimize the network.

With respect to claim 45, Bowker discloses (col. 3, lines 35-39) that a database for storing the preferred formats of customers or a storage to hold preferred format information derived at the establishment of a connection between the customer and the BAS. Herein, the database identifies the preferred data format as a function of the receiver address (wherein the address of the remote computer system is provided to the gateway when the remote computer system registers with the gateway).

With respect to claims 48 and 49, Bowker discloses (page 5, lines 5-10) that if the data is not in the preferred format of receiver 14, control is transferred to a first transcoder 116 and the data is transcoded into a common or generic format. The data now in a common format is then further transcoded in a second transcoder 118 in to the preferred format of the receiver 14.

Bowker discloses in Figs. 1, 2, and 5, that the conversion takes place before sending the data to

the receivers. Bowker discloses in Fig. 3, that after converting the data packets to the preferred

data format of the receiver, the data packets are forwarded to the receiver 324. Herein, as is

known in the art, data are encapsulated before transmitting across a data network. Format

conversion always takes place at either layer 6 (presentation layer) or layer 7 (application layer).

Therefore, once the packet is received, every layer before layer 6 and layer 7 is stripped off and

processed and converted and encapsulated again before forwarding it to the destination (message

that is converted from the first format into the second format traverses network OSI layers during

the conversion of the message and such that network and protocol translation occurs to the

message in addition to data conversion).

Response to Arguments

5.   Applicant's arguments with respect to claims 1, 3-4, 6-8, 11-14, 16-21, 23-24, 26-27, 30-

36, 38-39, 41-46, and 48-49 have been considered but are moot in view of the new ground(s) of

rejection.

Applicant is requested to submit page 4 of the drawings in the next submitted

amendment. Page 4 of the drawings was lost during the process of converting to IFW. Please

resubmit page 4 of the drawings which illustrating figures 4-6.

Applicant states in the amendment filed October 21, 2004 that a declaration, which

properly executed containing the missing signatures of Neil Fishman and Marc Seinfeld was

submitted on February 08, 2001. However, the declaration dated February 08, 2001 did not

include the signatures of Neil Fishman and Marc Seinfeld.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KWANG BIN YAO
PRIMARY EXAMINER

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